IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA EASTERN DIVISION NO. 4:01-CR-59-H

UNIT	ED STATES	S OF	AMERICA,))))	O	ORDER
PAUL	SCINTO,))))		

This matter is before the court on the government's motion to dismiss defendant's motion for writ of error coram nobis. The government argues that defendant's motion should be construed as a successive § 2255 motion. However, as the government notes in the memorandum in support of its motion to dismiss, defendant is no longer in custody as he has been released from incarceration and his supervised release has been terminated. Therefore, a motion under 28 U.S.C. § 2255 would not be the appropriate vehicle for the defendant to seek any post-judgment relief.

The court hereby DENIES the government's motion to dismiss. The court directs the government to respond to defendant's

motion for error coram nobis within forty-five (45) days of the filing of this order.

This 26 day of March 2013.

Malcolm J. Howard

Senior United States District Judge

At Greenville, NC #26